

EX

Notice of Allowability	Application No.	Applicant(s)
	09/544,289	HIYOSHI, TAKAYUKI
	Examiner	Art Unit
	Hai C. Pham	2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Reply (11/03/05) and Amendment (07/05/05).
2. The allowed claim(s) is/are 1-24, 38, 40, 41 and 44-47.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 - Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

<ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material 	<ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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Election/Restrictions

1. The Restriction requirement issued on 10/03/05 is herein withdrawn in view of Applicant's reply filed on 11/03/05, which was found persuasive.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: Claims 1, 7-10, 14, 38 are patentable over the prior art patents and printed publications because of the specific configuration of the optical write apparatus, which comprises a plurality of substrates each having a number of light emitting diodes aligned in one direction, the plurality of substrates being shifted from each other in the aligning direction of the light emitting diodes to overlap in a direction at an angle to the aligning direction, wherein two substrates adjacent to each other in the aligning direction are directly fixed to each other (claims 1, 38), wherein one or more fixed points between the substrates adjacent to each other in the aligning direction correspond to write dot switching points on the substrates (claim 7), wherein an array position adjusting unit is provided to adjust relative positions of the substrates adjacent to each other (claims 8-9), wherein a focusing unit is provided to displace a first substrates of two adjacent substrates with respect to the second substrate of the two adjacent substrates in a focusing direction that is equivalent to the thickness direction of the second substrate (claims 10, 40), wherein a vertical adjusting unit being provided (claim 14). The combined limitations are not taught by the prior art of record alone or in combination.

Claims 2 and 45-47 are patentable over the prior art patents and printed publications because of the specific configuration of the optical write apparatus, which comprises a plurality of substrates each having a number of light emitting diodes aligned in one direction, the plurality of substrates being shifted from each other in the aligning direction of the light emitting diodes, auxiliary members interposed between the substrate adjacent in the aligning direction of the light emitting diodes, and wherein fixed points between the auxiliary members and the substrates are aligned in a line that is perpendicular to the aligning direction (referring to claims 2, 45, 47), wherein an array position adjusting unit is provided (claim 46).

Claims 3-6, 11-13, 15-24 and 44 allowed because they are directly or indirectly dependent from claims 1-2, 10, 14 and 40 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai Pham

HAI PHAM
PRIMARY EXAMINER

January 20, 2006